

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

SEIDMAN, et al.,

Plaintiffs,

v.

COLBY, et al.,

No. 1:18-CV-202
(TJM/CFH)

Defendants.

APPEARANCES:

Law Office of Gregory P. Mouton, Jr., LLC
1441 Broadway, 6th Floor
New York, New York 10018
Attorney for Plaintiffs

Attorney General for the
State of New York
The Capitol
Albany, New York 12224
Attorney for defendant
Joseph Colby

OF COUNSEL:

GREGORY PAUL MOUTON, JR., ESQ.

MICHAEL G. MCCARTIN, ESQ.
Assistant Attorney General

**CHRISTIAN F. HUMMEL
U.S. MAGISTRATE JUDGE**

ORDER

A conference was conducted on the record with counsel for all parties on January 22, 2021. Text Minute Entry dated Jan. 22, 2021. During the conference the Court directed that certain personnel and discipline files be delivered to the Court for an in camera review. Id. The personnel and discipline were delivered to the Court.

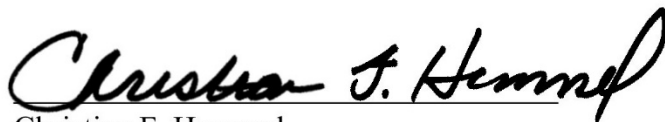
The Court has conducted an in camera review of the personnel files of defendant Colby and New York State Trooper Dworkin. The Court has also reviewed the

disciplinary files of New York State Trooper Dworkin. Based upon the Court's review it is hereby **ORDERED** that:

- 1) Plaintiff's request for the personnel file of defendant Colby is **DENIED** as nothing in that file is the proper subject of discovery pursuant to Rule 26 of the Federal Rules of Civil Procedure ("Fed. R. Civ. P.").
- 2) Plaintiff's request for the personnel file of New York State Trooper Dworkin is **DENIED** as nothing in that file is the proper subject of discovery pursuant to Fed. R. Civ. P. 26.
- 3) The Court has not been provided with any discipline files for defendant Colby.
- 4) The Court has reviewed the discipline file of New York State Trooper Dworkin regarding case number 2015-0419 which was closed by investigation. The Court finds that file is the proper subject of discovery pursuant to Fed. R. Civ. P. 26. Defense counsel shall provide an unredacted copy of that file to plaintiff by March 1, 2021.
- 5) The Court has reviewed the discipline file of New York State Trooper Dworkin regarding case number 2018-0039 which was unfounded. The Court finds that file is the proper subject of discovery pursuant to Fed. R. Civ. P. 26. Given the nature of that investigation, defense counsel shall provide a redacted copy of that file to plaintiff by March 1, 2021.

IT IS SO ORDERED.

Dated: February 9, 2021
Albany, New York



Christian F. Hummel
U.S. Magistrate Judge